

Public Notice

**US ARMY CORPS
OF ENGINEERS**
St. Louis District
Gateway to Excellence

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street

Public Notice No.

P-2747

Public Notice Date

January 28, 2010

Expiration Date

February 18, 2010

Postmaster Please Post Conspicuously Until:

File Number: MVS-2009-693

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Matthew Cosby

APPLICANT: City of Rolla, Missouri, Mr. Steve Hargis, 901 North Elm Street, Rolla, Missouri. Ph. (573) 364-8659.

LOCATION: Township 37 North, Range 8 West, Section 1. The project area is located perpendicular to Forum Drive approximately 500 feet south of the intersection of Forum Drive and Old St. James Road, in Rolla, Missouri. A residential development (Oak Tree Apartments) borders the site to the south and commercial development borders the site to the north. Additionally, a fallow field exists to the north of the project area. The area of impact occurs on the unnamed tributary from the culvert under Forum Drive to the confluence of the unnamed tributary and Burgher Branch. The location is identified on the attached maps. Please view a full color version of the public notice and attachments at <http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>

PROJECT DESCRIPTION: The applicant seeks authorization to impact approximately 568 linear feet of the left and right descending banks of an unnamed tributary to Burgher Branch. Additionally, three grade control structures will be installed within the bed of the tributary. The unnamed tributary flows to Burgher Branch which is a perennial tributary to the Meramec River. The channel in this area is approximately 4 - 5 feet wide with 3 - 6 foot high banks.

The banks of the unnamed tributary are proposed to be stabilized by using rip rap and willow staking

in conjunction with a vegetated back slope. The three grade control structures are proposed to be installed at a 20:1 slope with a center vane/low flow channel. To prevent additional head cutting within the stream, grade control structures will be installed at a depth of approximately three feet and will be composed of rip rap. The grade control structures will also be keyed back into the banks to ensure confidence that they will not be flanked due to erosion and/or head cuts.

The city of Rolla has researched alternatives and has attempted to minimize impacts to this unnamed tributary. However, the applicant stated that the impacts are unavoidable due to the instability along this reach of the unnamed tributary. The eroding banks are threatening four apartments, a sewer line, and a fiber optic cable within the Oak Tree Apartment Complex. The four apartments and the sewer line could be severely damaged due to the eroding banks.

LOCATION MAPS AND DRAWINGS: See attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Matthew Cosby, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8129. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Matthew.G.Cosby@usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: The project plans have been submitted to the Missouri Department of Natural Resources, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.


ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District has done a preliminary evaluation based on information provided by the State Historic Preservation Officer. Based on this evaluation and the fact that the projects are located within existing residential subdivisions with previously modified tributaries, additional reconnaissance surveys might not be required. However, if substantial information from the response to public notice indicates that further investigation is necessary the

USACE will re-consider its decision.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

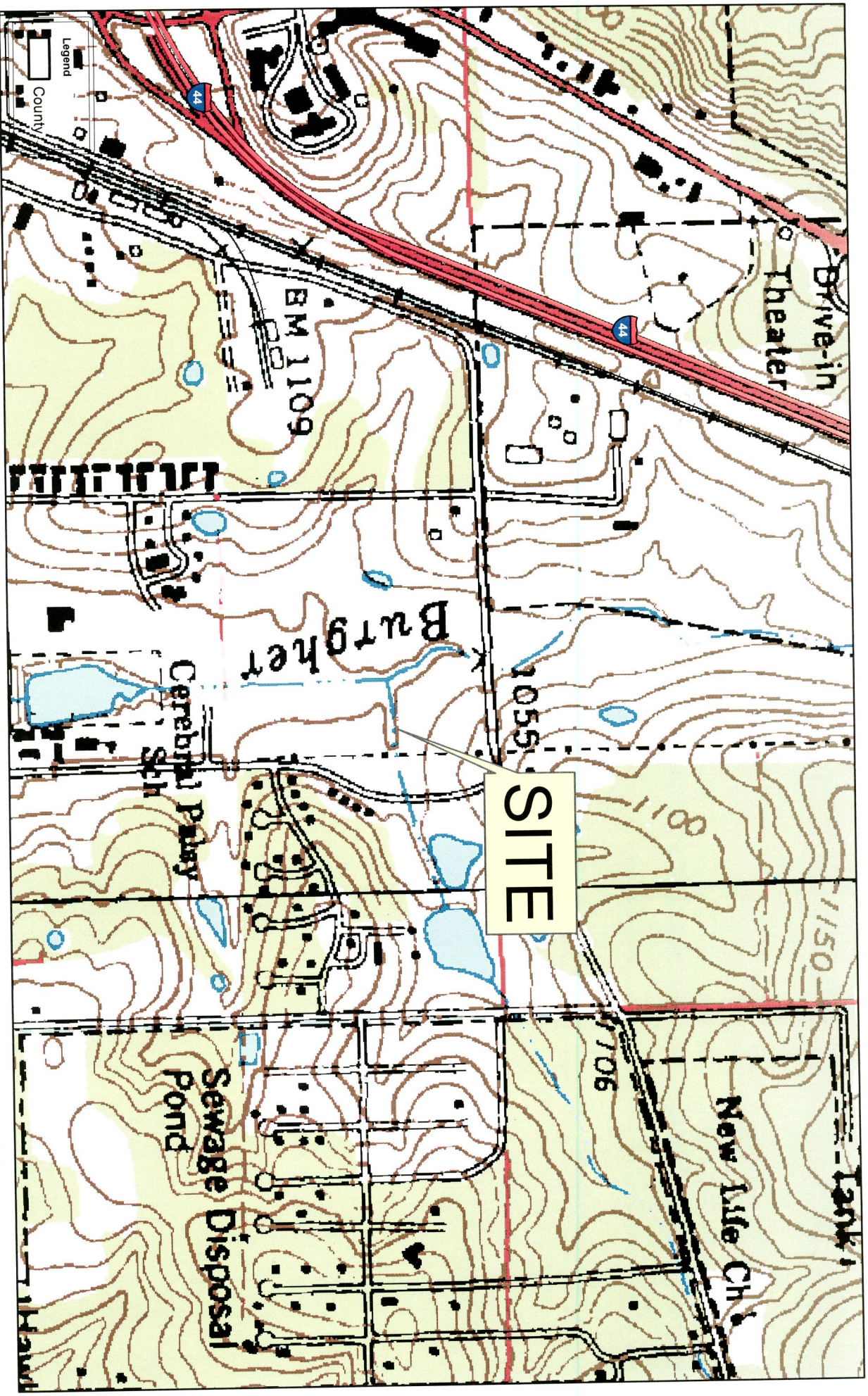
SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

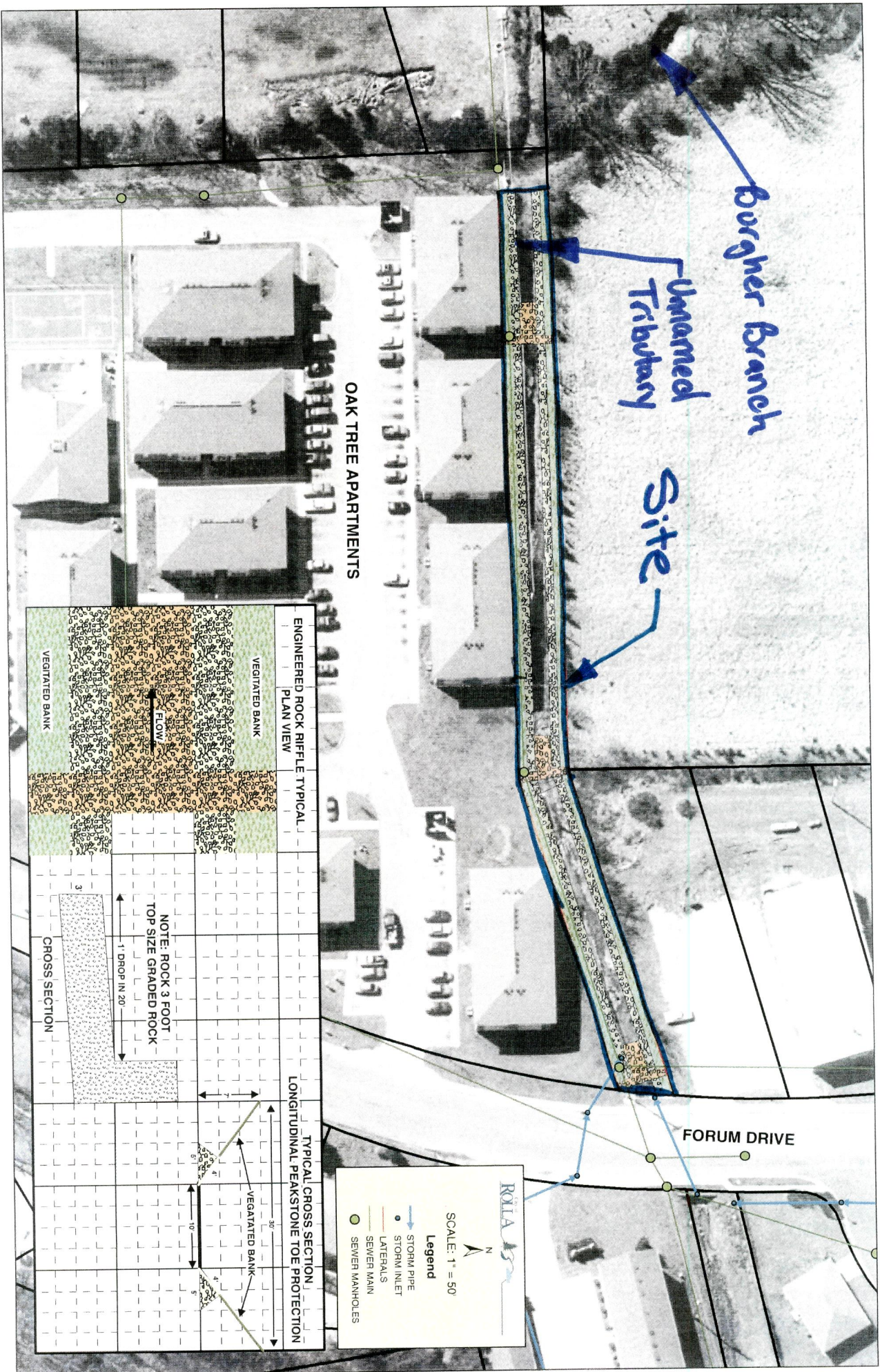
It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



MVS-2009-693 Forum Drive
Project Location Map
Rolla, Phelps County, Missouri



**US Army Corps
of Engineers ®**
St Louis District



OUR PUBLIC NOTICES ARE NOW AVAILABLE ON THE WORLD WIDE WEB AT OUR ST. LOUIS DISTRICT HOME PAGE (<http://www.mvs.usace.army.mil/ConOps/permits/pn.htm>). If you have any trouble, please call Danny McClendon at (314) 331-8574 or by e-mail to: Danny.D.McClendon@usace.army.mil

WE ARE ATTEMPTING TO REDUCE OUR PUBLIC NOTICE MAILING COSTS; CHECK OUR WEB PAGE THEN CONTACT US TO HAVE YOUR NAMED REMOVED FROM OUR MAILING LIST, please call Jaynie Doerr at (314) 331-8581, or by email to: Jaynie.G.Doerr@usace.army.mil, or mail this cover-sheet to the St. Louis District, OD-F, 1222 Spruce Street, St. Louis, MO 63103-2833, ATTN: Regulatory Branch, indicating that your name or company named be removed. Changes to our mailing list may take a few weeks to take effect.

US ARMY ENGINEER DISTRICT, ST. LOUIS
ATTN: CEMVS-OD-F
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833